

IN THE UNITED STATE DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS WESTERN DIVISION

ELLA HORTON,)
Plaintiff,)
vs.) NO. _____
)
WAL-MART STORES, INC.,)
A Delaware Corporation,)
Defendant.)

COMPLAINT

NOW COMES Plaintiff, ELLA HORTON, by her attorneys, CLARK FROST WILLIAMS ZUCCHI, and with her Complaint against the Defendant, WAL-MART STORES, INC., a Delaware Corporation, states as follows:

1. This Court has jurisdiction of this matter based upon diversity of citizenship as contained in 28 United States Code, § 1332, in that the Plaintiff, ELLA HORTON, is a citizen of the State of Illinois and that the Defendant, WAL-MART STORES, INC., is incorporated in the State of Delaware, and its principal place of business is 702 South West 8th Street, Bentonville, Arkansas, and thus is a citizen of the State of Delaware and Arkansas. The matter in controversy exceeds, exclusive of interest and costs, the sum of \$75,000.00.

2. On June 13, 2016, the Plaintiff, ELLA HORTON, was a resident and citizen of Winnebago County, Illinois.

3. On June 13, 2016, the Defendant, WAL-MART STORES, INC., a Delaware Corporation, was operating a Supercenter Store (Store #1955) at the address commonly known as 3849 Northridge Dr., Rockford, Illinois, in Winnebago County.

4. At the aforementioned time and date and for a long time prior thereto, the Defendant, WAL-MART STORES, INC., a Delaware Corporation, opened its stores to the public and was open on the date in question, June 13, 2016.

5. Sometime prior thereto and on the aforementioned date and time the Defendant, WAL-MART STORES, INC., a Delaware Corporation, leased or owned the premises commonly known as 3849 Northridge Dr, Rockford, Illinois.

6. On or about June 13, 2016, the Defendant, WAL-MART STORES, INC., a Delaware Corporation, leased, owned, controlled, maintained and possessed said premises, specifically, the building and the interior space within the Supercenter, which is used by the Defendant and persons lawfully on their premises to stand and walk upon at the WAL-MART STORES, INC., located at 3849 Northridge Dr, Rockford, Illinois.

7. On June 13, 2016, it was the duty of the Defendant, WAL-MART STORES, INC., a Delaware Corporation, having control and possession of said premises as owners, occupiers or lessors of the premises to use ordinary care to keep the premises in a reasonably safe condition for the use of those lawfully upon the premises, and further, not to create or allow any dangerous conditions to exist on or about the premises.

8. On June 13, 2016, the Plaintiff, ELLA HORTON, as a business invitee of the Defendant, WAL-MART STORES, INC., was legally on the premises and was walking from the cashier towards the exit from the grocery section of the premises in order to leave the store.

9. On or about June 13, 2016, the grocery exit area contained an ice machine which was leaking water into the walkway which caused the Plaintiff to fall.

10. On or about June 13, 2016, the Plaintiff, ELLA HORTON, sustained direct trauma to her multiple parts of her body including, but not limited to, her head, right arm, right

wrist, left arm, back, and right knee when she fell to the ground after she slipped on some water from the ice machine.

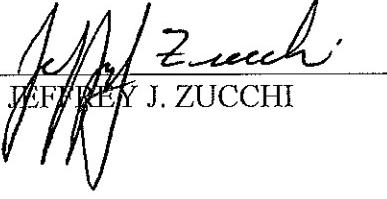
11. On or about June 13, 2016, the Defendant, WAL-MART STORES, INC., a Delaware Corporation, committed one or more of the following negligent and acts and/or omissions, to wit:

- a. Failed to maintain the floor area and the entryway in a safe condition by allowing a puddle of water to exist without being properly mopped up, thereby creating an unreasonable danger to persons lawfully on the premises;
- b. Failed to correctly install, place and/or secure a floor mat, rug or commercial carpet in said floor area to prevent a slippery condition caused by the ice machine;
- c. Failed to warn the Plaintiff of an unreasonably dangerous condition existing on the premises when it knew or in the exercise of reasonable care should have known that persons like the Plaintiff would be walking towards the exit and out of the store, thereby creating danger to persons in said entryway or exit;
- d. Allowed an area of the premises to be and remain in a dangerous condition where it was reasonably foreseeable that persons such as the Plaintiff would use said floor area as a means of walking or standing while leaving the store after shopping;
- e. Failed to load the ice machine in a manner that would prevent water from leaking or melting onto floor adjacent to ice machine where store patrons would be entering and leaving the store;
- f. Failed to warn business visitors/invitees, including the Plaintiff, of the dangerous conditions that existed in the area;
- g. Failed to warn the Plaintiff of an unreasonably dangerous condition existing on the premises when they knew or in the exercise of reasonable care should have known that persons like the Plaintiff would walk upon said entryway area and not notice water on the floor near the ice machine at times when they might or could be distracted;
- h. Failed to provide a good, safe and proper place for the Plaintiff to use, occupy and walk while using the entryway and common area of the premises;

- i. Failed to inspect the premises to be certain that the floor mat, rug or commercial carpet or rug was in a good, safe and proper condition;
 - j. Was otherwise negligent.
12. As a direct and proximate result of one or more of the foregoing negligent acts or omissions committed by the Defendant, the Plaintiff sustained injuries of a personal, pecuniary and permanent nature.

WHEREFORE, Plaintiff ELLA HORTON, by and through her attorneys, CLARK FROST WILLIAMS ZUCCHI, demands judgement against the Defendant, WAL-MART STORES, INC., a Delaware Corporation, in an amount in excess of \$75,000.00, plus costs of suit, and for any other relief deemed fair and reasonable by this Court.

ELLA HORTON, Plaintiff

BY: Jeffrey J. Zucchi
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